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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,298	11/25/2003	Marc Aho	NAK-128	8822
30869	7590	10/17/2005		
LUMEN INTELLECTUAL PROPERTY SERVICES, INC. 2345 YALE STREET, 2ND FLOOR PALO ALTO, CA 94306			EXAMINER ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,298	<b>Applicant(s)</b> AHO ET AL.	
	<b>Examiner</b> Gregory W. Adams	<b>Art Unit</b> 3652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: referring to line 33 "the point where the carrying face is interfering with a wafer stacking axis" lack antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacchi et al. (US 5,944,476) (cited by applicant).

With respect to claim 1, referring to FIGS. 1-10 Bacchi et al. '476 disclose a wafer testing device comprising a linear positioning movement axis provided by a linear precision stage 42, 45 and a chuck 43 having a wafer holding face 43, a rotation axis provided by a robotic single axis system 10 and an effector 13 having a shaft 56, 60, 84 and distal carrying face 30, 34, 36, a gross positioning axis provided by an elevator 40, 200, a dual positioning axis provided by pinlifters having a top face 43, above a carrying face 30, 34, 36, and a bottom position below a chuck wafer holding face 43, and an effector carrying face 30, 34, 36 placed on a effector distal end 13 to rotate in and out of a chuck loading orientation. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if

any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Baachi's elevator is certainly capable of cassette vertical movement.

With respect to claim 2, referring to FIGS. 1-10 Bacchi et al. '476 disclose a wafer testing device further comprising a configuration for wafer testing 48 and head clearance of about 1.25 inches plus a wafer height of about .75mm. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Baachi's apparatus is certainly capable of testing a 300mm wafer and 1.25inches of wafer height.

With respect to claim 3, referring to FIGS. 1-10 Bacchi et al. '476 disclose a wafer testing device further comprising a second linear precision stage and a virtual loading axis having loading travel.

With respect to claim 4, referring to FIGS. 1-10 Bacchi et al. '476 disclose a wafer handling system comprising a linear positioning movement axis provided by a linear precision stage 42, 45 and a chuck 43, a rotation axis provided by a robotic single axis system 10 and an effector 13 having a shaft 56, 60, 84 and distal carrying face 30, 34, 36, a gross positioning axis provided by an elevator 40, 200, a dual positioning axis provided by pinlifters having a top face 43 above a carrying face 30, 34, 36 and a bottom position below a chuck wafer holding face 43, and an effector carrying face 30, 34, 36 placed on an effector distal end 13 to rotate in and out of a chuck loading

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orientation. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Baachi's elevator is certainly capable of cassette vertical movement.

With respect to claim 5, referring to FIGS. 1-10 Bacchi et al. '476 disclose a wafer handling system further comprising a second linear precision stage and a virtual loading axis having loading travel.

With respect to claim 6, referring to FIGS. 1-10 Bacchi et al. '476 disclose a robotic single axis system 10 comprising an assembly plate 30 having a central cutout arc 30, controlled motor 50, 52, 54, effector having a rotatable mounted shaft 56, 60, 84, radial arm portion 22, tangential arm portion 14, vacuum actuated carrying a face 30, 34, 36, internal vacuum line 36, 38, 124, 125, 127, 128, reduction gear coupling 68, 90 a motor 50, 52 to a shaft 56, 60, 84, rotation sensor 106, 108, and vacuum actuation means 36, 38, 124, 125, 127, 128.

With respect to claim 7, referring to FIGS. 1-10 Bacchi et al. '476 disclose a robotic single axis system 10 having lateral boundaries which fit a 300mm diameter wafer and a concentric envelop having a diameter of about 21 inches.

### ***Response to Arguments***

2. Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive. It is noted that applicant has elected to cancel claim 8.

With respect to claims 1, 4 & 6, applicant argues that Bacchi does not disclose a single-axis robot. As noted above, applicant has not limited its claim to just one axis by its choice of "having" in the preamble. Moreover, while Bacchi discloses two arm axis, Bacchi disclosure of a single axis 16 for reaching into a cassette and prealigner is exactly one handling rotation axis. Bacchi's additional axis 24, 32 are end effector axis.

With respect to claim 1, applicant argues that Bacchi does not disclose pin lifters, arguing that Bacchi's pin lifters 43 are not vertically movable. Bacchi notes in col. 3, Ins. 40-50 a vertically raisable prealigner "to receive a specimen from the hand of the robot arm or may be lowered to allow clearance for the robot arm to rotate continuously". Thus, Bacchi discloses a pin 43 and lifters. Col. 9, ln. 20-col. 10, ln. 60. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "pinlifters...which are surrounded laterally by the chuck and which can be moved vertically with respect to the chuck") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claims 2, 3, 5 & 7, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

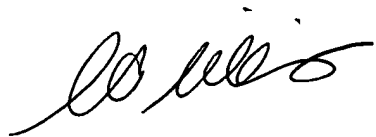
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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